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(5)

No. 06-475

IN THE

Supreme Court of the United States

BLUE CROSS AND BLUE SHIELD OF FLORIDA, INC., BCBSM, INC., BLUECROSS BLUESHIELD OF TENNESSEE, CAREFIRST, INC., FEDERAL MUTUAL INSURANCE COMPANY, HEALTH CARE SERVICE CORPORATION, AND MUTUAL OF OMAHA INSURANCE COMPANY,

Petitioners,

v.

ABBOTT LABORATORIES AND GENEVA PHARMACEUTICALS, INC.,

Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit

REPLY IN SUPPORT OF MOTION FOR LEAVE TO FILE BRIEF as *AMICI CURIAE*, BY BLUECROSS BLUESHIELD OF MASSACHUSETTS, BLUE CROSS AND BLUE SHIELD OF NEBRASKA, EXCELLUS HEALTH PLAN, INC., THE GUARDIAN LIFE INSURANCE COMPANY OF AMERICA, AND HORIZON BLUE CROSS BLUE SHIELD OF NEW JERSEY

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December 22, 2006

The Defendants-Respondents have objected to proposed *amici curiae's* motion for leave to file an amicus brief. The Defendants-Respondents state that they oppose the motion on the grounds that the proposed *amicus curiae's* disclosure required by Supreme Court Rule 37.1 is ambiguous or otherwise insufficient. The objection is groundless.

Nonetheless, in the interest of clarity and simplicity, counsel for the proposed *amici curiae* hereby certify again that no party, nor counsel for any party, has made a financial contribution to the proposed brief and that the entire cost of the brief is being paid by the *amici curiae* alone.

Further, the brief was authored in whole by the law firm of Bondurant Mixson & Elmore, LLP. While Bondurant, Mixson & Elmore, LLP, formerly represented the Petitioners before the Eleventh Circuit in this case, Bondurant, Mixson & Elmore does not now represent Petitioners or any other party to this action in this Court, and did not represent any party at the time it authored the brief on behalf of the proposed *amici curiae*.

Dated: December 22, 2006

Washington, D.C.

Respectfully submitted,

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